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C O N F I D E N T I A L SECTION 01 OF 03 BEIRUT 000536

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NSC FOR ABRAMS/DORAN/MARCHESE/HARDING

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TAGS: [PGOV](#) [PREL](#) [PTER](#) [LE](#) [SY](#) [IS](#)
SUBJECT: LEBANON: SPEAKER BERRI INSISTS THAT A CHAPTER VII
TRIBUNAL CHANGES NOTHING

Classified By: Ambassador Jeffrey D. Feltman. Reason: Section 1.4 (b)

SUMMARY

1. (C) In a 4/17 meeting notable for Nabih Berri's casual attitude toward the Special Tribunal, Berri contended that even if the Security Council establishes the court under Chapter VII, the crisis in Lebanon would persist. Berri gave the impression that the tribunal was almost a side issue in the current impasse and that instead, the composition of the government was the key to ending the political stalemate. Concerning the presidency, which is scheduled to be determined this November, Berri was adamant that two conditions be met: 1) only a two-thirds quorum of the entire Parliament would suffice for legitimacy, and 2) the next president could not come from either the March 14 or the March 8 movements. He expressed confidence that Lebanon's Christian community, from which the president must be selected, could produce such a candidate. Finally, the Speaker indicated he was willing to wait all summer, if need be, to convene parliament, but would call a session next week if the government was willing to conform to the 19-11 formula. Berri did warn, however, that if the tribunal is established by Chapter VII, the 19-11 "offer" would immediately become null and void. End summary.

2. (C) Amal leader and Speaker of Parliament Nabih Berri met with the Ambassador and Special Assistant at Speaker's offices in Ain el Tine on April 17. Senior advisors MP Ali Bazzi and Ali Hamdan also attended the meeting. Berri had just completed a session with Russian Deputy Foreign Minister Alexander Saltanov, but was unwilling to discuss what had transpired other than to remark that the Russians wanted Lebanon to reach its own political solution. He claimed with a straight face that Saltanov had not expressed an opinion regarding Chapter VII.

"NOTHING WILL CHANGE"

3. (C) In marked contrast to prior meetings in which the Special Tribunal was a key issue of discussion, Speaker Berri metaphorically tossed it away in his first few sentences. Berri maintained that the tribunal "really wasn't the central issue anyway" and said that if the UN Security Council did establish the tribunal by Chapter VII, such a move wouldn't help solve the political crisis in Lebanon. "Nothing would change" with the tribunal. The Speaker insisted that Shia

ministers would continue their boycott, parliament would remain in recess, the opposition would continue to call for the resignation of the Siniora cabinet, and Hizballah's presence in the streets of downtown Beirut would not waver. The only thing that would change, Berri stated, would be that the 19-11 cabinet option, long sought by the opposition, would be withdrawn from the table, in favor of tougher demands.

14. (C) In making these comments, Berri seemed to imply that establishment of the tribunal by Chapter VII may not actually result in political violence, a concern expressed by many. The Speaker augmented his air of nonchalance by recalling a recent discussion with Saudi Ambassador Abdulaziz Khoja in which he reportedly casually waved away any further attempt to resolve the impasse through talks with majority leader Saad Hariri. (Note: The apparent decision of Berri to let matters drift, at least for the near term, seems to coincide with Hassan Nasrallah's April 8 speech in which the Hizballah leader declared that the 19-11 cabinet option was dead. End note.)

15. (C) Berri, when asked what he would discuss with visiting UN legal advisor Nicolas Michel later in the day, instead responded with a lengthy review of the "great" efforts he had made earlier in the month to reach a deal with Hariri. Sounding as if he were nursing bruised feelings, the Speaker complained that no one, including the U.S., Saudi Arabia, and UNSYG Ban Ki-moon, had helped him in his under-appreciated endeavor. He emphasized he had been ready to give his "personal guarantees" that a 19-11 cabinet would be safe from deliberate collapse, and expressed mild amazement that anyone would doubt his word.

BERRI "EXPLAINS" THE DIFFERENCE BETWEEN 19-11 and 19-10-1

BEIRUT 00000536 002 OF 003

16. (C) The Ambassador tried to pin down the agile Berri by asking the Speaker to explain why the opposition was willing to accept 19-11 with guarantees, but resolutely refused to consider Hariri's more reasonable 19-10-1 formula (which didn't require dependence on extra-legal guarantees). Berri retorted that the Shia want to stand as full partners in the government, and no longer be treated as secondary partners to the Hariri-led Sunnis. He maintained that Lebanon essentially operated as a "federation of confessions" because it was critical that each community be equal to the others.

17. (C) Declaring that "I have the right to be Shia," Speaker Berri explained that the so-called "blocking minority" simply assured the Shia that their voices would be heard in all decisions of national interest. He refused to acknowledge that the 19-10-1 formula would result in the same degree of influence (but without the "toppling" power) and implied that the opposition would never consider anything less.

THE PRESIDENCY AND THE TWO-THIRDS QUORUM

18. (C) Staying with his theme of the "rights" of the Shia-led opposition to influence political decisions, Berri enunciated that only a two-thirds quorum in parliament would suffice for the election of a new president. He argued that from the country's first election in 1943 until the present, all of Lebanon's presidents had been elected only with a two-thirds quorum. In a dramatic flourish, he picked up several historical studies and recited case after case that, in his view, confirmed the absolute necessity of the higher threshold.

19. (C) When it was suggested that using such criteria with the current composition of parliament, in effect, constituted political blackmail of a democratically-elected majority, the Speaker pointed out that the quorum was only required to

convene the electoral session of parliament, and that once the first round of voting was finished, a simple majority could elect the president. He argued that the strict quorum merely protected the minorities from being forced to accept a president who would only represent the interests of one community. Berri emphasized that Lebanon's president held a unique position: even though the constitution and the Taif Agreement reserved the office for a Maronite Christian, the person selected was responsible to all confessions in Lebanon, and as such was expected to be a unifying element in an otherwise fractured state. "The president is Lebanon," he concluded, "and should not be chosen only by Saad Hariri and his followers."

¶10. (C) The Speaker agreed that it would be difficult for Lebanon's divided Christian community to select a candidate who would be acceptable to both the government and the opposition. He remained confident that the community was deep enough to produce more candidates "than the five that March 14th always talks about." Berri argued that only by strictly adhering to the two-thirds requirement would the Christian community have the incentive to resolve their differences and select a mutually-acceptable candidate. In Berri's opinion, if he relented on the higher quorum, the only result would be a divisive president and almost certain instability.

ADVISES NON-INTERFERENCE

¶11. (C) Berri cautioned the U.S. and France to stay out of the necessary reconciliation that has to take place in the Christian community if an acceptable candidate is to emerge. He further warned that if we influence the process, the country would become even more divided, perhaps irreparably. Berri maintained the Christians would be far better off if they were compelled to select a compromise candidate, because the country would accept that person and the institution of the presidency could be rehabilitated. He insisted that even a "weak" president would be empowered by the office and would develop as an effective counter-weight to the government; a balance critically needed by Lebanon, where balance meant everything.

BEIRUT 00000536 003 OF 003

¶12. (C) When questioned about recent strident declarations made by pro-Syrian President Emile Lahoud that he would not give up the reins of power to the government, Berri seemed to dismiss the statements as unrealistic posturing and promised that, "I will not let Lahoud do what Amine Gemayel did in 1988."

¶13. (C) In closing, Berri made the interesting comment that in his view, even more important than the current obsession with the presidency was the adoption of a new electoral law. On this issue, he surprisingly stated that he agreed with the position of Maronite Patriarch Boutros Sfeir, who has indicated only the smaller "qada" electoral districts would be acceptable, because in the cleric's view, only this structure would protect the interests of his community by allowing each community to determine the election of delegates, without having to relay on the votes of others. Although Berri admitted that this interpretation could be questioned, above all he wanted the important Christian community to feel they "belonged" in the country. Only with this conviction, he concluded, could Lebanon stabilize and progress.

COMMENT

¶14. (C) As demonstrated by Nasrallah's April 8 message and by Berri's comments to us, the pro-Syrian politicians now posture as if the Special Tribunal issue does not really matter. The relaxed attitude Berri had about the tribunal

stands in sharp contrast to the agitation he has expressed before. Maybe, at least in part, this is a positive development, if it suggests Berri (and his allies) have accepted the inevitability of the tribunal's establishment. And, while Berri's comment that "nothing will change" with the tribunal was meant as a warning, his words also imply that, despite the "sky-is-falling" predictions of some, Lebanon's security situation will not deteriorate appreciably with the tribunal's establishment: people fear assassination and al-Qaida now, and they will fear assassination and al-Qaida afterwards. We wonder, too, what Saltanov told Berri: did Berri's casual attitude about the tribunal derive from some kind of Russian assurances?

¶15. (C) But, even if there are some positive aspects to a more relaxed attitude about the tribunal, we find Berri's basic message to us to be ominous: he is willing to keep Parliament hostage to acceptance by March 14 of the pro-Syrian 19-11 cabinet demand, and then he is willing to use what he argues is a special "super quorum" for presidential elections to ensure that March 14 cannot use its majority to elect a president of its choice. None of this is a surprise, of course, but Berri is increasingly open about how he will use constitutional acrobatics to impose a veto on the choice for president. By insisting that a president is "neither March 8 nor March 14," Berri is pushing for a weak president who would be easier to manipulate and intimidate.
FELTMAN